

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
File No. 1:17-CV-00854-UA-LPA

REBECCA KOVALICH AND)
SUZANNE NAGELSKI,)
)
Plaintiffs,)
)
vs.)
)
PREFERRED PAIN)
MANAGEMENT & SPINE)
CARE, P.A., DR. DAVID)
SPIVEY, individually,)
and SHERRY SPIVEY,)
individually,)
)
Defendants.)
_____)

CONFIDENTIAL

Videotaped Deposition of SUZANNE D. NAGELSKI

(Taken by Defendants)

Charlotte, North Carolina

Thursday, May 17, 2018

Reported in Stenotype by
Carolyn M. Beam

Transcript produced by computer-aided transcription
Job No. CS2907300

1 Q. How many employees approximately did PPM
2 have in 2013?

3 A. I -- I don't -- I could not tell you, off
4 the top of my head.

5 Q. More than five?

6 A. More than five.

7 Q. More than ten?

8 A. More than ten.

9 Q. More than 15?

10 A. I'm not counting after that.

11 Q. Okay.

12 A. I'm not quite certain.

13 Q. Okay. Okay. So Mrs. Spivey had talked with
14 you about relinquishing your HR duties as early as
15 2013. Is that the first time that that had --

16 A. Yes.

17 Q. -- came up -- came up?

18 A. Uh-huh.

19 Q. So and did Ms. Spivey or Dr. Spivey have
20 additional conversations with you about your HR duties
21 and relinquishing those?

22 A. No.

23 Q. That was the only time that happened?

24 A. In that year, yes.

25 Q. Anytime after 2013?

1 A. Not that much. But we have -- we've had
2 spats. I mean, there's been either miscommunication
3 or misinterpretation. And usually, it -- it gets
4 worked out.

5 Q. Did you ever have spats with Sherry Spivey?

6 A. I used to. Usually when -- yes, I have.

7 Q. How often?

8 A. Increasingly since 2013, 2014.

9 Q. So it started back 2013 and has continued
10 until your separation?

11 A. You would have to define -- or you would
12 have to give me an -- I -- or we would have to discuss
13 those.

14 (NAGELSKI EXHIBIT 7, text messages, KN 00365,
15 marked for identification.)

16 BY MS. SMITH:

17 Q. Sure. Okay. Let's mark this document as
18 Exhibit 7. I'll take those two pieces of paper. Do
19 you recognize this document?

20 A. I do.

21 Q. Can you tell me what it's about?

22 A. Me -- actually, it...

23 Q. Is this a text message between you and
24 Sherry Spivey?

25 A. This -- yeah. Yes. I'm trying to see.

1 Uh-huh.

2 Q. Do you know when it was?

3 A. Sometime in August, July or August.

4 Q. Okay. Of 2015?

5 A. Yes.

6 Q. Okay. And why do you think it's that time
7 period?

8 A. It says on the paper.

9 Q. Okay. And where does -- oh, I see. Okay.
10 This one does have the date. Some of the text
11 messages don't have the date. And so, at the top, it
12 says, so I don't get a computer until I conform to
13 your schedule? Why would I change my habits when they
14 worked well for PPM --

15 A. Uh-huh.

16 Q. -- for the last ten years? What habits are
17 you talking about?

18 A. In this one, I -- I think it would be my
19 remote working.

20 Q. So you -- you thought that --

21 A. I'm assuming. I don't -- I can't quite
22 recall what was leading up to this.

23 Q. Okay. But you thought the remote working
24 was working fine for ten years?

25 A. I believe -- but, see, it wasn't completely

1 remote working. I was between the office and the
2 house and the office and the house.

3 Q. As indicated on your mileage reimbursements?

4 A. Uh-huh. And she said, the problem is that
5 you refuse to spend every -- even one day in the
6 office. I would come in the office. I told her to
7 pick a day that Dr. Spivey was in the office, in case
8 any decisions had to be made. He is my -- at least,
9 he is my supervisor. We can all come to some
10 agreement.

11 Q. And she says, I don't believe that working
12 at any other company would be approved to work totally
13 outside the office, when needed there at times. Do
14 you see that?

15 A. Yes.

16 Q. And then you say, IBM, blackbaud, CH2M --

17 A. M Hill.

18 Q. -- Hill.

19 A. Uh-huh.

20 Q. And why did you include those?

21 A. Oh, those were just a list of companies that
22 I knew had remote -- you could have remote offices and
23 commute back and forth.

24 Q. Do you know if they had remote HR?

25 A. I am not sure. I can't answer that. We

1 were --

2 Q. Okay. Let me show you a document.

3 A. I don't believe that working at any other
4 company, you would be approved to work totally outside
5 the office when needed there at times. These
6 companies that I listed, you can work remotely. I do
7 not know about HR. But I also note too that I wasn't
8 completely outside the office. I was asking for a
9 time. They were trying to schedule a time with her to
10 sit down when Dr. Spivey was there, if these are in
11 fact HR issues that she needs to discuss.

12 (NAGELSKI EXHIBIT 8, text messages, KN 00353,
13 marked for identification.)

14 BY MS. SMITH:

15 Q. Okay. Let me show you a document. We'll
16 mark this as Exhibit 8. And ask if you recognize
17 that. Do you recognize this, Ms. Nagelski?

18 A. Uh-huh.

19 Q. Is this a text message between you and
20 Ms. Spivey?

21 A. Yes, uh-huh.

22 Q. And in this message, does Ms. Spivey ask if
23 you would be willing to give up HR?

24 A. Yes.

25 Q. Okay. And do you know when this timeframe

**S. Nagelski Dep. Ex. 9
12/21/14 Email
from S. Nagelski**

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